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BY [Signature] DEP. CLK

IN THE United States District Court
For the Eastern District of North Carolina
Western Division

Gary Charles Smith,
Petitioner,

v.

Stephanie Hollambach, Warden,
Respondent.

Case No: _____

Ex Parte

Motion for Emergency Hearing

COMES Now the Petitioner, Gary Charles Smith, in pro se, and moves this Honorable Court for a sua sponte order for production of Petitioner's present in Court, so that Petitioner can adequately state facts to the Court, which will more than substantiate that Petitioner is being punished and persecuted by prison officials for exercising his First Amendment rights.

Since March 19, 2015, Petitioner has been held in solitary confinement for 811 days, not because he incurred any disciplinary infractions, but rather because he has been outspoken concerning corrupt practices and malfeasances, of which he has direct personal knowledge. During the extended solitary confinement, Petitioner was seriously injured, and that incident formed the basis of a lawsuit presently pending in the Western District of Texas.

Petitioner arrived at West Branch on December 2,

2014 and has been subjected to reprisals by staff, which flagrantly violated his First Amendment protections. On December 26, 2014, Petitioner was charged with extortion and blackmail, simply because he listed a staff chaplain for the names and addresses of a district Superintendent and bishop of The United Methodist Church.

Aware of Petitioner's intention to file a complaint and motions for a temporary restraining order and preliminary injunction in this Court against various BOP officials, staff stepped up the retaliation, and Petitioner once again finds himself in solitary confinement.

Petitioner is of the opinion that he is in danger of his safety or life and thus requires the protection of the Court.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests and urges the Court to set this matter for an immediate hearing for Petitioner to be heard, and thereafter to grant any relief that is warranted, and to which Petitioner is entitled.

It is so prayed.

Respectfully submitted,

Gary C. Smith

Gary C. Smith
Register No. 05147-058

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To The Honorable Louise W. Flanagan,
United States District Judge:

In the course of your duties as a district judge, you no doubt hear and entertain all manner of things from prisoners, many of which have no substance whatsoever. Every prisoner entreaty to The Court, however, is neither unwarranted nor unworthy for consideration. Most assuredly, This is one of them.

I have filed an ex parte motion for an emergency hearing, so The Court can hear facts that affect my well-being, and quite possibly my safety, for The situation facing me is dire.

Realizing That my request is an extraordinary one. That, if the Court grants it, would essentially be an act of grace, I want the Court to know that my issues are legitimate, verifiable, and well-documented. Were the Court to determine that I have been untruthful about or misrepresented any fact I would bring

to a hearing, the Court would - and should - refer the case for prosecution for perjury to The United States Attorneys office, and I would not contest being so charged.

Your Honor, I respectfully seek the protection of The Court, and I beg you to schedule a time for me to be heard, at the earliest possible opportunity.

Professor Stephen A. Saltzburg, a friend and supporter of some 30 years, is well aware of my situation. You are certainly free to contact him at 714 222-9774-7004. Please help me, Judge Flanagan.

Respectfully,
Gary C. Smith

If the Court sees fit to set this matter for a hearing, the following inmates and staff should be summoned:

Staff

Stephanie Hollombeck, Warden
Kelly Smith, Captain
Don Candelaria, STS Lt.
Millie Tyson, Counselor
Andrew Gregory, Unit Manager
William Hoyle, Chaplain
Amy Bullock, Adm. Remedial Clerk
George Kearney, Jr., Care Manager
Catalyn Limer, ITS Clerk

Inmates

Benjamin Lopez
Michael Alcala
Lewis Freeman
Jeffrey Truman